

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JOINT MOTION TO AMEND THE PROTECTIVE ORDER

The parties in the above-entitled and numbered civil action hereby jointly submit a stipulated amended protective order that is agreed to by the parties. The parties respectfully request that the Court enter the order, which replaces the two designated in-house party representatives for Life Technologies Inc. and Applied Biosystems, LLC (collectively “Life Tech”) with two new designated in-house party representatives due to personnel changes at Life Tech.

Specifically, Section 6(i) of the April 6, 2011 Protective Order in this case (Dkt. No. 174) allows disclosure of HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL’S EYES ONLY material to two designated in-house counsel of the Receiving Party. The designated in-house counsel are subject to specific conditions, including that “each shall sign an undertaking in the form of Exhibit C attached to th[e] Protective Order before receiving materials protected by th[e] Protective Order and [that] each shall not participate in the prosecution of patents in the same

field of technology as the patents-in-suit through the pendency of this case and for a period of eighteen months following the final disposition of this Action."

Due to personnel changes at Life Tech, the parties request that Life Tech's two designated in-house counsel be changed as reflected in the proposed stipulated amended protective order. This proposed amended protective order changes the designation of "Kurtis MacFerrin, Lead Counsel–Litigation" to "Bradford Schmidt, Lead Counsel–Litigation," subject to the conditions of Section 6(i) of the Protective Order. (*See* Dkt. No. 174 at 10-11.) It also changes the designation of "Cora Schmid, Litigation Counsel," to "Katie Nolan-Steveaux, Litigation Counsel," subject to the conditions of Section 6(i) of the Protective Order. (*See id.*) The stipulated amended protective order further provides that it would take effect on the later of either the date of the Order is signed or October 3, 2011, which is proposed in order to coincide with the date of the Life Tech personnel changes.

The parties respectfully request that the Court enter the stipulated amended protective order.

Dated: September 28, 2011

Respectfully submitted,

/s/ Daniel Johnson, Jr.

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 28th day of September, 2011.

/s/ Cora Schmid
